

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6786**

**BILL NUMBER:** HB 1125

**NOTE PREPARED:** Dec 17, 2003

**BILL AMENDED:**

**SUBJECT:** Motor Vehicle Offenses.

**FIRST AUTHOR:** Rep. GiaQuinta

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- (1) It makes it a Class B misdemeanor for a person to knowingly or intentionally enter a motor vehicle without having:
  - (A) the permission of the owner or lessee of the motor vehicle; or
  - (B) a contractual interest in the motor vehicle.
- (2) It makes the offense:
  - (A) a Class A misdemeanor if the motor vehicle's steering column or ignition is altered or damaged after the person enters the motor vehicle; and
  - (B) a Class D felony if the person occupies the motor vehicle while the motor vehicle is used to further the commission of a crime.
- (3) It makes it a Class D felony for a person to knowingly or intentionally possess, operate, sell, trade, or otherwise control a motor vehicle without having:
  - (A) the permission of the owner or lessee of the motor vehicle to do so; or
  - (B) a contractual interest in the motor vehicle.
- (4) It makes the offense a Class C felony if the person controls the motor vehicle while the motor vehicle is used to further the commission of a crime.
- (5) It provides defenses to prosecutions for the offenses established by this bill.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders may be convicted of unauthorized entry of a motor vehicle, a Class B misdemeanor, or the enhanced penalty crimes

including altering or damaging the motor vehicle's steering column, a Class A misdemeanor, or occupying the vehicle furthering the commission of a crime, a Class D felony. Also, there are no data available to indicate how many offenders may be convicted of unauthorized control of a motor vehicle, a Class D felony, or unauthorized control of a motor vehicle furthering the commission of a crime, a Class C felony.

Depending on the mitigating and aggravating circumstances, a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, and a Class C felony is punishable by a prison term ranging from two to eight years. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months and for all Class C felony offenders is approximately two years.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D or Class C felony is \$10,000, for a Class B misdemeanor is \$1,000, and for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** A Class B misdemeanor is punishable by up to 180 days in jail and a Class A misdemeanor is punishable by up to one year in jail. Also, if more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

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